

# JOURNAL OF THE HOUSE

Second Regular Session, 92nd GENERAL ASSEMBLY

---

TWENTY-SIXTH DAY, MONDAY, FEBRUARY 23, 2004

The House met pursuant to adjournment.

Speaker Hanaway in the Chair.

Prayer by Dr. Monte Shinkle, Concord Baptist Church, Jefferson City, Missouri.

Dear Heavenly Father,

I thank You today for Your mercy and grace You have so richly poured out upon us. You are a great God and I praise You.

Thank You for the privilege of living in this free land.

Thank You for the freedoms we enjoy as American citizens.

Thank You for the freedom to call on You for guidance.

Thank You for Your wonderful promise to give us wisdom when we ask.

Thank You for these elected officials who are exhorted in Your Holy Word to seek Your face for wisdom and blessing.

Thank You for the democratic process You have allowed to flourish in our land.

Today I call on You Lord; for wisdom to make godly decisions. For blessings upon this body and its many members. For blessings upon the families of these elected officials of our state. Where there is sickness, will You please heal? Where there is distress, will You bring peace? Where there is confusion, will You bring guidance? Where there are hard feelings, will You bring forgiveness? Where there is sin, will You bring conviction and cleansing? Dear God, in this day of great distress in our country, will You please heal our land?

In the name of Jesus Christ I pray. Amen.

The Pledge of Allegiance to the flag was recited.

Representative Emery assumed the Chair.

The Journal of the twenty-fifth day was approved as corrected by the following vote:

AYES: 160

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Bringer	Brooks
Brown	Bruns	Burnett	Byrd	Campbell
Carnahan	Cooper 120	Cooper 155	Corcoran	Crawford
Crowell	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis 122	Davis 19	Deeken	Dempsey

Dethrow	Dixon	Donnelly	Dougherty	Dusenberg
El-Amin	Emery	Engler	Ervin	Fares
Fraser	George	Goodman	Graham	Green
Guest	Hampton	Harris 110	Harris 23	Haywood
Henke	Hilgemann	Hobbs	Holand	Hoskins
Hubbard	Hunter	Ice	Jackson	Jetton
Johnson 47	Johnson 61	Johnson 90	Jolly	Jones
Kelly 144	Kelly 36	King	Kingery	Kratky
Kuessner	Lager	Lawson	LeVota	Liese
Lipke	Lowe	Luetkemeyer	Marsh	May
Mayer	McKenna	Meadows	Meiners	Miller
Moore	Morris	Muckler	Munzlinger	Myers
Nieves	Page	Parker	Pearce	Phillips
Portwood	Pratt	Purgason	Quinn	Ransdall
Rector	Reinhart	Richard	Roark	Ruestman
Rupp	Sager	Salva	Sander	Schaaf
Schlottach	Schneider	Schoemehl	Seigfreid	Selby
Self	Shoemaker	Shoemyer	Skaggs	Smith 118
Smith 14	Spreng	St. Onge	Stefanick	Stevenson
Sutherland	Swinger	Taylor	Thompson	Threlkeld
Townley	Viebrock	Villa	Vogt	Wagner
Walker	Wallace	Walsh	Ward	Wasson
Whorton	Wildberger	Willoughby	Wilson 119	Wilson 130
Wilson 25	Wilson 42	Witte	Wood	Wright
Yaeger	Yates	Young	Zweifel	Madam Speaker

NOES: 000

PRESENT: 000

ABSENT WITH LEAVE: 003

Avery                      Lembke                      Walton

## HOUSE RESOLUTION

Representative Crawford offered House Resolution No. 720.

## HOUSE COURTESY RESOLUTIONS OFFERED AND ISSUED

House Resolution No. 677 - Representative Boykins  
House Resolution No. 678  
through  
House Resolution No. 691 - Representative Fares  
House Resolution No. 692  
through  
House Resolution No. 694 - Representative Willoughby  
House Resolution No. 695 - Representative Sander  
House Resolution No. 696 - Representative Rector  
House Resolution No. 697 - Representative Engler  
House Resolution No. 698  
through  
House Resolution No. 711 - Representative Stefanick

House Resolution No. 712 - Representative King  
House Resolution No. 713 - Representative Dethrow  
House Resolution No. 714  
through  
House Resolution No. 719 - Representative Ervin  
House Resolution No. 721 - Representative Deeken  
House Resolution No. 722 - Representative Ward

### **INTRODUCTION OF HOUSE BILLS**

The following House Bills were read the first time and copies ordered printed:

**HB 1546**, introduced by Representatives Moore, Myers, Quinn, Ruestman, Rector, Dixon, Cooper (120), Sander, Crawford, Munzlinger, Smith (118), Pearce, Wilson (119), Luetkemeyer, Hobbs and Mayer, relating to the department of natural resources.

**HB 1547**, introduced by Representative Wood, relating to local approval for licensing of excursion gambling boats.

**HB 1548**, introduced by Representatives Crawford, Moore, Seigfreid, Quinn, Wildberger, Deeken, Bruns, Engler, Smith (118), Parker, Davis (122), Guest, Lowe, Munzlinger, Stevenson, Hobbs and Zweifel, relating to state employees' pay.

**HB 1549**, introduced by Representatives Hoskins, Bland, Sanders Brooks, Thompson, Johnson (61), Wilson (42), Hubbard and Boykins, relating to voter registration.

**HB 1550**, introduced by Representatives Burnett and LeVota, relating to exemptions from the workers' compensation law.

**HB 1551**, introduced by Representative Davis (19), relating to grandparent visitation.

### **SECOND READING OF HOUSE CONCURRENT RESOLUTION**

**HCR 24** was read the second time.

### **SECOND READING OF HOUSE BILLS**

**HB 1512** through **HB 1545** were read the second time.

### **THIRD READING OF HOUSE BILL**

**HCS HB 1040**, relating to education accountability, was taken up by Representative Cunningham (86).

On motion of Representative Cunningham (86), **HCS HB 1040** was read the third time and passed by the following vote:

AYES: 158

Abel	Angst	Baker	Barnitz	Bean
Bearden	Behnen	Bishop	Bivins	Black
Bland	Bough	Boykins	Bringer	Brooks
Brown	Bruns	Burnett	Byrd	Campbell
Carnahan	Cooper 120	Cooper 155	Corcoran	Crawford
Crowell	Cunningham 145	Cunningham 86	Curls	Darrough
Daus	Davis 122	Davis 19	Deeken	Dethrow
Dixon	Donnelly	Dougherty	Dusenberg	El-Amin
Emery	Engler	Ervin	Fares	Fraser
George	Goodman	Graham	Green	Guest
Hampton	Harris 110	Harris 23	Haywood	Henke
Hilgemann	Hobbs	Holand	Hoskins	Hubbard
Hunter	Ice	Jackson	Jetton	Johnson 47
Johnson 61	Johnson 90	Jolly	Jones	Kelly 144
Kelly 36	King	Kingery	Kratky	Kuessner
Lager	Lawson	LeVota	Liese	Lipke
Lowe	Luetkemeyer	Marsh	May	Mayer
McKenna	Meadows	Meiners	Miller	Moore
Morris	Muckler	Munzlinger	Myers	Nieves
Page	Parker	Pearce	Phillips	Portwood
Pratt	Purgason	Quinn	Ransdall	Rector
Reinhart	Richard	Roark	Ruestman	Rupp
Sager	Salva	Sander	Schaaf	Schlottach
Schneider	Schoemehl	Seigfreid	Self	Shoemaker
Shoemyer	Skaggs	Smith 118	Smith 14	Spreng
St. Onge	Stefanick	Stevenson	Sutherland	Swinger
Taylor	Thompson	Threlkeld	Townley	Viebrock
Villa	Vogt	Wagner	Walker	Wallace
Walsh	Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Yates
Young	Zweifel	Madam Speaker		

NOES: 001

Selby

PRESENT: 000

ABSENT WITH LEAVE: 004

Avery	Dempsey	Lembke	Walton
-------	---------	--------	--------

Representative Emery declared the bill passed.

The emergency clause was adopted by the following vote:

AYES: 158

Abel	Angst	Baker	Barnitz	Bearden
Behnen	Bishop	Bivins	Black	Bland

Bough	Boykins	Bringer	Brooks	Brown
Bruns	Burnett	Byrd	Campbell	Carnahan
Cooper 120	Cooper 155	Corcoran	Crawford	Crowell
Cunningham 145	Cunningham 86	Curls	Darrough	Daus
Davis 122	Davis 19	Deeken	Dethrow	Dixon
Donnelly	Dougherty	Dusenberg	El-Amin	Emery
Engler	Ervin	Fares	Fraser	George
Goodman	Graham	Green	Guest	Hampton
Harris 110	Harris 23	Haywood	Henke	Hilgemann
Hobbs	Holand	Hoskins	Hubbard	Hunter
Icet	Jackson	Jetton	Johnson 47	Johnson 61
Johnson 90	Jolly	Jones	Kelly 144	Kelly 36
King	Kingery	Kratky	Kuessner	Lager
Lawson	LeVota	Liese	Lipke	Lowe
Luetkemeyer	Marsh	May	Mayer	McKenna
Meadows	Meiners	Miller	Moore	Morris
Muckler	Munzlinger	Myers	Nieves	Page
Parker	Pearce	Phillips	Portwood	Pratt
Purgason	Quinn	Ransdall	Rector	Reinhart
Richard	Roark	Ruestman	Rupp	Sager
Salva	Sander	Schaaf	Schlottach	Schneider
Schoemehl	Seigfreid	Selby	Self	Shoemaker
Shoemyer	Skaggs	Smith 118	Smith 14	Spreng
St. Onge	Stefanick	Stevenson	Sutherland	Swinger
Taylor	Thompson	Threlkeld	Townley	Viebrock
Villa	Vogt	Wagner	Walker	Wallace
Walsh	Ward	Wasson	Whorton	Wildberger
Willoughby	Wilson 119	Wilson 130	Wilson 25	Wilson 42
Witte	Wood	Wright	Yaeger	Yates
Young	Zweifel	Madam Speaker		

NOES: 001

Bean

PRESENT: 000

ABSENT WITH LEAVE: 004

Avery	Dempsey	Lembke	Walton
-------	---------	--------	--------

## MESSAGES FROM THE SENATE

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 951**, entitled:

An act to repeal section 70.300, RSMo, and to enact in lieu thereof one new section relating to contracts of political subdivisions.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 952**, entitled:

An act to repeal sections 84.510 and 84.560, RSMo, and to enact in lieu thereof two new sections relating to certain police officers.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SB 1012**, entitled:

An act to repeal section 140.340, RSMo, and to enact in lieu thereof one new section relating to redemption of property.

In which the concurrence of the House is respectfully requested.

Madam Speaker: I am instructed by the Senate to inform the House of Representatives that the Senate has taken up and passed **SCS SB 1062**, entitled:

An act to amend chapter 311, RSMo, by adding thereto one new section relating to liquor licenses for caterers.

In which the concurrence of the House is respectfully requested.

### **WITHDRAWAL OF HOUSE BILL**

To: Steve Davis, Chief Clerk  
From: Rep. Belinda Harris  
CC: Rep. Larry Crawford, Chairman of Transportation and Motor Vehicles  
Date: 2/23/2004  
Re: House Bill 1419

I am requesting that **House Bill No. 1419** be withdrawn. This bill does not express the content for which I had intended. Should you have any questions or need additional information, please let me know.

### **ADJOURNMENT**

On motion of Representative Crowell, the House adjourned until 10:00 a.m, Tuesday, February 24, 2004.

### **CORRECTIONS TO THE HOUSE JOURNAL**

Correct House Journal, Twenty-fifth Day, Thursday, February 19, 2004, Page 379, Lines 16-18, by deleting said lines and inserting in lieu thereof the following:

Madam Speaker: Your Committee on Transportation and Motor Vehicles, to which was referred **HB 1107**, begs leave to report it has examined the same and recommends that it **Do Pass by Consent with House Committee Amendment No. 1.**

*House Committee Amendment No. 1*

AMEND House Bill No. 1107, Page 1, Section 238.208, Line 3, by inserting immediately after the word "**district.**" the following:

**"If the property owners within the transportation development district unanimously approve of the addition of property, the adjacent properties in the petition shall be added to the district.";** and

Further amend said title, enacting clause and intersectional references accordingly.

**AFFIDAVIT**

I, State Representative Tim Meadows, District 101, hereby state and affirm that my vote as recorded on Page 368 of the House Journal for Thursday, February 19, 2004 showing that I voted present was incorrectly recorded. Pursuant to House Rule 88, I ask that the Journal be corrected to show that I voted aye. I further state and affirm that I was present in the House Chamber at the time this vote was taken, I did in fact vote, and my vote or absence was incorrectly recorded.

IN WITNESS WHEREOF, I have hereunto subscribed my hand to this affidavit on this 23rd day of February 2004.

/s/ Tim Meadows  
State Representative

State of Missouri       )  
                                  ) ss.  
County of Cole         )

Subscribed and sworn to before me this 23rd day of February in the year 2004.

/s/ Stephen S. Davis  
Chief Clerk

**COMMITTEE MEETINGS**

**AGRICULTURE**

Tuesday, February 24, 2004, 12:00 p.m. Hearing Room 1.  
Possible Executive session.  
Public hearings to be held on: HB 1192, SB 739

**APPROPRIATIONS - AGRICULTURE AND NATURAL RESOURCES**

Wednesday, February 25, 2004, 2:30 p.m. Hearing Room 4.  
Mark up for the Department of Agriculture.

**APPROPRIATIONS - EDUCATION**

Tuesday, February 24, 2004, 8:00 a.m. Hearing Room 1.  
Mark up will be held on: HB 1002, HB 1003

APPROPRIATIONS - EDUCATION

Wednesday, February 25, 2004, 3:00 p.m. Hearing Room 1.

Mark up will be held on: HB 1003

APPROPRIATIONS - GENERAL ADMINISTRATION

Tuesday, February 24, 2004, 8:30 a.m. Hearing Room 7.

Committee hearing will recess at 10:00 a.m. and reconvene at 2:45 p.m.

Mark up will be held on: HB 1012, HB 1004, HB 1005

APPROPRIATIONS - HEALTH, MENTAL HEALTH AND SOCIAL SERVICES

Tuesday, February 24, 2004, 8:00 a.m. Hearing Room 3.

Departments of Health, Mental Health, and Social Services.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Tuesday, February 24, 2004, 8:00 a.m. Hearing Room 6.

Mark up Department of Public Safety and the Department of Corrections.

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Wednesday, February 25, 2004, 2:30 p.m. Hearing Room 6.

Mark up Department of Public Safety and the Department of Corrections. AMENDED

APPROPRIATIONS - PUBLIC SAFETY AND CORRECTIONS

Thursday, February 26, 2004, Hearing Room 6 upon morning adjournment.

Mark up Department of Public Safety and the Department of Corrections.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 24, 2004, 8:00 a.m. Hearing Room 5.

Department of Transportation mark up wrapped up.

Department of Economic Development mark up to begin.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Tuesday, February 24, 2004, 2:30 p.m. Hearing Room 5.

Mark up Department of Economic Development.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Wednesday, February 25, 2004, 2:30 p.m. Hearing Room 5.

Mark up Department of Economic Development.

APPROPRIATIONS - TRANSPORTATION AND ECONOMIC DEVELOPMENT

Thursday, February 26, 2004, 8:15 a.m. Hearing Room 5.

Mark up Department of Economic Development.



#### BUDGET

Wednesday, February 25, 2004, 8:00 a.m. Hearing Room 3.

Public hearing to be held on: HJR 49

Executive session will be held on: HB 1014

#### CHILDREN AND FAMILIES

Tuesday, February 24, 2004, 5:00 p.m. Hearing Room 1.

Executive session will be held on: HB 1453, HB 915

#### COMMUNICATIONS, ENERGY AND TECHNOLOGY

Tuesday, February 24, 2004, Hearing Room 3 upon morning adjournment.

Executive session may follow.

Public hearings to be held on: HB 822, HB 1234, HB 1310, HB 1247

#### CONSERVATION AND NATURAL RESOURCES

Wednesday, February 25, 2004, 12:00 p.m. Hearing Room 5.

Executive session may follow.

Public hearings to be held on: HB 956, HB 1187

#### CRIME PREVENTION AND PUBLIC SAFETY

Tuesday, February 24, 2004, 5:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 867, HB 925, HB 791, HB 1487

#### ELECTIONS

Tuesday, February 24, 2004, 5:00 p.m. Hearing Room 7.

Executive session will precede the hearing.

Public hearings to be held on: HB 1249, HB 988, HB 1101

Executive session will be held on: HB 900, HB 1150, HB 1039

#### FINANCIAL SERVICES

Tuesday, February 24, 2004, 12:00 p.m. Hearing Room 6.

Public hearings to be held on: HB 884, HB 1223, HB 904, HB 1291, HB 1169

Executive session will be held on: HB 936, HB 938

#### HOMELAND SECURITY AND VETERANS AFFAIRS

Tuesday, February 24, 2004, 5:00 p.m. Hearing Room 5.

Public hearings to be held on: HB 1226, HB 1381

Executive session will be held on: HB 957, HB 1152

#### JOB CREATION AND ECONOMIC DEVELOPMENT

Wednesday, February 25, 2004, 12:00 p.m. Hearing Room 6.

Executive session may be held.

Public hearings to be held on: HB 1426, HB 1421, HB 1370

JOINT COMMITTEE ON LEGISLATIVE RESEARCH

Thursday, February 26, 2004, Hearing Room 5 upon morning adjournment of both Chambers.

Report from the Revision Subcommittee.

Oversight program evaluation on the Office of Administration, Division of Facilities Management, State leasing practices. Any other business.

JUDICIARY

Wednesday, February 25, 2004, 12:00 p.m. Hearing Room 1.

Executive session on other bills may follow.

Public hearings to be held on: HB 1188, HB 1350, HB 808, HB 1384, HB 1336, HB 965, HB 870, HB 1143, HB 798

Executive session will be held on: HB 1115

LOCAL GOVERNMENT

Thursday, February 26, 2004, 8:15 a.m. Hearing Room 6.

Executive session shall follow. AMENDED

Public hearings to be held on: HB 824, HB 972, HB 1225, HB 1398, HB 1471

PROFESSIONAL REGISTRATION AND LICENSING

Tuesday, February 24, 2004, 12:00 p.m. Hearing Room 4.

Public hearings to be held on: HB 1399, HB 1197

Executive session may be held on: HB 1224, HB 1195

SENIOR SECURITY

Tuesday, February 24, 2004, 5:00 p.m. Hearing Room 6.

Public hearings to be held on: HB 1367, HB 1230

Executive session may be held on: HB 1302, HB 1367

SPECIAL COMMITTEE ON GENERAL LAWS

Wednesday, February 25, 2004, 8:00 a.m. Hearing Room 5.

Executive session will follow.

Public hearings to be held on: HB 1347, HB 1402, HB 1411

SPECIAL COMMITTEE ON URBAN ISSUES

Tuesday, February 24, 2004, 6:00 p.m. Hearing Room 2.

Executive session may follow.

Public hearings to be held on: HB 1097

TAX POLICY

Tuesday, February 24, 2004, 12:00 p.m. Hearing Room 7.

Executive session may follow.

Public hearings to be held on: HB 934, HB 1382, HB 1343, HB 1267

**TOURISM AND CULTURAL AFFAIRS**

Tuesday, February 24, 2004, 12:00 p.m. Hearing Room 5.

Possible Executive session.

Public hearings to be held on: HB 1132, HB 1337

**TRANSPORTATION AND MOTOR VEHICLES**

Wednesday, February 25, 2004, 12:00 p.m. Hearing Room 7.

Public hearings to be held on: HB 995, HB 996, HB 1366, HB 1405,

HB 976, HB 977, SCS SBs 1144, 919, & 874

Executive session may be held on: HB 1167, HB 1114, HB 937, HB 1080, HB 770,

HB 1109, HB 883, HB 1317, HB 1118, HB 1142, HB 1259, HB 1288, HB 1439

**WORKFORCE DEVELOPMENT AND WORKPLACE SAFETY**

Wednesday, February 25, 2004, 12:00 p.m. Hearing Room 3.

Executive session may follow.

Public hearings to be held on: HB 1478, SB 932

**HOUSE CALENDAR**

TWENTY-SEVENTH DAY, TUESDAY, FEBRUARY 24, 2004

**HOUSE BILLS FOR SECOND READING**

HB 1546 through HB 1551

**HOUSE JOINT RESOLUTIONS FOR PERFECTION**

- 1 HCS HJR 28 - Roark (139)
- 2 HCS HJR 39, 38, 42 & 47 - Engler (106)

**HOUSE BILLS FOR PERFECTION**

- 1 HCS HB 946, 1106 & 952 - Crawford (117)
- 2 HCS HB 1105, 1062, 1111, 1113 & 1119 - Crawford (117)
- 3 HCS HB 1041, as amended - Cunningham (86)
- 4 HCS HB 978 - Baker (123)
- 5 HCS HB 1380 - Lager (4)
- 6 HCS HB 1304 - Byrd (94)

**HOUSE BILLS FOR PERFECTION - CONSENT**

(2/23/04)

- 1 HB 801 - Smith (118)
- 2 HCS HB 895 - Emery (126)

- 3     HB 923 - Holand (135)
- 4     HB 932 - Bivins (97)
- 5     HCS HB 955 - Portwood (92)
- 6     HB 960 - Roark (139)
- 7     HB 989 - Barnitz (150)
- 8     HB 1070 - Miller (133)
- 9     HB 1071 - Goodman (132)
- 10    HB 1107, HCA 1 - Crawford (117)
- 11    HB 1126 - Seigfreid (26)
- 12    HB 1149 - May (149)
- 13    HCS HB 1198 - Richard (129)

**HOUSE BILLS FOR THIRD READING**

- 1     HCS HB 980, (Budget 2-04-04) - Myers (160)
- 2     HS HCS HB 1268 & 1211, E.C. - Smith (118)

**SENATE BILLS FOR SECOND READING**

- 1     SB 951
- 2     SCS SB 952
- 3     SB 1012
- 4     SCS SB 1062

**SENATE BILL FOR THIRD READING**

- SCS SB 1003 - Bean (163)